

IN THE CIRCUIT COURT
SAINT CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

JAMES STEWARD,

Plaintiff,

V.

COMMERCE BANK,

Serve at:

1000 WALNUT STREET
KANSAS CITY, MO 64106

Defendant.

Cause No.

Division

JURY TRIAL DEMANDED

PETITION

COMES NOW, Plaintiff, James Steward, and for his Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Telephone Consumer Protection Act of 1991 ("TCPA"), 47 USC 227 *et. Seq.*

2. This is an action for actual and punitive damages brought by an individual consumer for invasion of privacy.

3. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

4. This Court has jurisdiction of the TCPA claim under 47 U.S.C. § 227 (3)(b). Venue is appropriate in this Court because Defendant Commerce Bank (“Commerce”) placed prohibited telephone calls to Plaintiff at Plaintiff’s phone located in St. Charles County, Missouri.

5. This Court has jurisdiction of the claim of invasion of privacy because the conduct giving rise to the claim occurred in St. Charles County, Missouri.

Exhibit A

PARTIES

6. Plaintiff is a natural person currently residing in St. Charles County, Missouri.

7. Defendant Commerce Bank is a corporation whose primary corporate address is 1000 Walnut Street, Kansas City, MO 64106. Defendant is a corporation and a “person” as defined by 47 U.S.C. § 153(10).

Telephone Consumer Protection Act

8. At all times relevant to this complaint, the Plaintiff was and is a “person” as defined by the TCPA 47 U.S.C. § 153(39).

9. At all times relevant to this complaint, Defendant has owned, operated, and or controlled “customer premises equipment” as defined by the TCPA 47 U.S.C. § 153(16) that originated, routed, and/or terminated telecommunications.

10. Defendant at all times relevant to the complaint herein engages in “telecommunications” as defined by the TCPA 47 U.S.C. § 153(50).

11. Defendant at all times relevant to the complaint herein engages in “interstate communications” as defined by the TCPA 47 U.S.C. § 153(28).

12. At all times relevant to this complaint, Defendant has used, controlled, and/or operated “wire communications” as defined by the TCPA 47 U.S.C. § 153(59), that existed as instrumentalities of interstate and intrastate commerce.

13. At all times relevant to this complaint, Defendant has used, controlled, and/or operated “automatic telephone dialing systems” as defined by the TCPA 47 U.S.C. § 227(a)(1) and 47 C.F.R. 64.1200(f)(2).

Invasion of Privacy

14. The Federal Communications Commission recognized the costs and damage to a

consumer's right to privacy that automated and pre-recorded calls created:

Noting that Congress found that automated or prerecorded telephone calls were a greater nuisance and invasion of privacy than live solicitation calls, and that such calls can be costly and inconvenient, the Commission determined that the TCPA and its rules prohibit such calls to wireless numbers. The Commission also recognized that wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used.

In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, 23 FCC Rcd 559, ¶7 (Jan. 4, 2008).

FACTS

15. Within four years immediately preceding the filing of this lawsuit, Defendant telephoned the Plaintiff's cellular phone using an automatic telephone dialing system on numerous occasions and left artificial or pre-recorded messages on the Plaintiff's answering service in violation of the TCPA.

16. Plaintiff never gave his express written consent to be called on his cellular telephone by automatic dialed telephone calls or prerecorded messages.

17. Plaintiff never signed any writing containing a clear and conspicuous disclosure, as required under 47 C.F.R. § 64.1200(f)(8)(i), informing the Plaintiff that by executing an agreement, Plaintiff consents to receive phone calls delivered using an automatic telephone dialing system or an artificial or prerecorded voice.

18. Defendant's phone calls came from its number 816-234-2000.

19. Defendant knows the TCPA's prohibitions against using an autodialer and pre-recorded messages to call cell phones, and it has been sued numerous times for such violations, and has continued to make unauthorized and prohibited phone calls despite this knowledge.

20. On September 8, 2016, Plaintiff called Defendant and explicitly revoked any

permission or consent Defendant may have ever had to call his cellular telephone number (314) 363-3553, and instructed Defendant to never call his cellular telephone ever again, and instructed Defendant to only contact his attorney, providing his attorney's information.

Violations of the TCPA

21. Defendant never obtained express written consent from Plaintiff, pursuant to 47 U.S.C. § 227 (b)(1)(A), to place telephone calls to Plaintiff's cellular phone using an automatic telephone dialing system or to send pre-recorded messages to Plaintiff's cellular phone, (314) 363-3553.

22. Plaintiff received numerous such illicit non-emergency pre-recorded and/or synthesized phone calls or voice messages from Defendant's automatic telephone dialing system dating, and he was charged for these phone calls, in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

23. Defendant's phone calls for Plaintiff were placed from Defendants' automatic telephone dialing system, as defined by 47 U.S.C. § 227(a)(1), from the phone number that is registered to the Defendant.

24. Specifically, Defendant's dialing system has the capacity to store, dial, and generate phone numbers such as Plaintiff's.

Invasion of Privacy – Intrusion Upon Seclusion

25. Defendant intentionally and/or negligently interfered, physically or otherwise, with the solitude, seclusion and or private concerns or affairs of this Plaintiff by repeatedly and unlawfully attempting to collect a debt from Plaintiff by calling Plaintiff's cellular telephone without consent by Plaintiff, and thereby invaded Plaintiff's right to privacy.

26. Plaintiff had a reasonable expectation of privacy in Plaintiff's solitude, seclusion, private concerns or affairs.

27. The conduct of Defendant in engaging in the above-described illegal telecommunications conduct against Plaintiff, resulted in multiple intrusions and invasions of privacy by Defendant that occurred in a way that would be highly offensive to a reasonable person in that position.

28. As a result of such intrusions and invasions of privacy, Plaintiff is entitled to actual damages and punitive damages from Defendant in an amount to be determined at trial.

COUNT I: VIOLATION OF THE TCPA

29. Plaintiff re-alleges and incorporates by reference all prior paragraphs.

30. Defendant has a policy, practice or procedure of placing automated and pre-recorded calls to cell phones without the prior consent of the called parties.

31. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the TCPA, 47 USC 227 et. seq., including, but not limited to, the following:

a. Placing non-emergency phone calls to Plaintiff's cellular phone without express authorized consent of the Plaintiff. 47 USC 227(b) (1) (A)(iii).

32. Defendant's violations were negligent, or alternatively, they were willful or knowing, in violation of 47 U.S.C. § 312(f)(1).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendants for:

A. Judgment that Defendants' conduct violated the TCPA;

B. Actual damages;

C. Statutory damages pursuant to 47 USC (b)(3); and

D. For such other relief as the Court may deem just and proper.

COUNT II: INVASION OF PRIVACY – INTRUSION UPON SECLUSION

33. Plaintiff re-alleges and incorporates by reference all prior paragraphs.

34. The aforementioned intrusion upon seclusion by Defendant was highly offensive to a reasonable person.

WHEREFORE, Plaintiffs respectfully request that judgment be entered against Defendant for:

- A. Actual damages;
- B. Punitive damages;
- C. Court costs;
- D. For such other relief as the Court may deem just and proper.

Respectfully submitted by,

Pontello Law, LLC

/s/ Dominic M. Pontello

Dominic M. Pontello, #60947
Attorney for Plaintiff
5988 Mid Rivers Mall Dr., Suite 114
St. Charles, MO 63304
(636) 541-7673
(636) 441-6881 facsimile
dominic@pontellolaw.com

DOCUMENT PRESERVATION DEMAND

Plaintiff hereby demands that the Defendant take affirmative steps to preserve all recordings, data, databases, call records, consent to receive autodialed or prerecorded calls, emails, recordings, documents and all other tangible things that relate to the allegations herein, to the Plaintiff, or the making of telephone calls, the events described herein, any third party associated with any telephone call, campaign, account, sale or file associated with Plaintiff, and any account or number or symbol relating to any of them. These materials are very likely relevant to the litigation of this claim. If Defendant is aware of any third party that has possession, custody, or control of any such materials, Plaintiff demands that the Defendant request that such third party also take steps to preserve the materials. This demand shall not narrow the scope of any independent document preservation duties of the Defendant.

/s/ Dominic M. Pontello

IN THE CIRCUIT COURT OF SAINT CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

JAMES STEWARD

Plaintiff,

v.

COMMERCE BANK

Defendant.

)

)

)

) Cause No.

)

) Division

)

) **JURY TRIAL DEMANDED**

REQUEST FOR APPOINTMENT OF PROCESS SERVER

COMES NOW, undersigned counsel, pursuant to Local Rules, and at his own risk
requests the appointment of the Circuit Clerk of:

**MICHAEL SIEGEL
KANSAS CITY PROCESS SERVICE
P.O. BOX 717
SMITHVILLE, MO 64089
816-217-3329**

Natural persons of lawful age to serve the summons and petition in this cause on the
below named parties. This appointment as special process server does not include the
authorization to carry a concealed weapon in the performance thereof.

SERVE AT:

1000 WALNUT STREET
KANSAS CITY, MO 64106

All Risks to Plaintiff
So Appointed:

Date: _____

By: _____

Pontello Law, LLC

/s/ Dominic M. Pontello

Dominic M. Pontello, #60947

Attorney for Plaintiff

5988 Mid Rivers Mall Dr., Suite 114

St. Charles, MO 63304

(636) 541-7673

(636) 441-6881 facsimile



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: NORMAN C STEIMEL III	Case Number: 1611-AC07161
Plaintiff/Petitioner: JAMES STEWARD	Plaintiff's/Petitioner's Attorney/Address: DOMINIC M PONTELLO PONTELLO LAW LLC 5988 MID RIVERS MALL DR SUITE 114 SAINT CHARLES, MO 63304 (636) 541-7673
Defendant/Respondent: COMMERCE BANK	Date, Time and Location of Court Appearance: 24-JAN-2017, 09:00 AM DIVISION 10 COURTROOM 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: AC Other Tort	

(Date File Stamp)

Associate Division Summons

The State of Missouri to: COMMERCE BANK
Alias:
1000 WALNUT
KANSAS CITY, MO 64106

COURT SEAL OF

ST. CHARLES COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

12/12/2016 /S/ Judy Zerr
Date Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

STATE OF MISSOURI)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Pursuant to Missouri Supreme Court Rule 17, the Circuit Court of St. Charles County, Missouri (Eleventh Judicial Circuit) has adopted a local rule to encourage voluntary alternative dispute resolution. The purpose of the rule and the program it establishes is to foster timely, economical, fair and voluntary settlements of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial.

This program applies to all civil actions other than cases in the small claims, probate and family court divisions of the Circuit Court, and you are hereby notified that it is available to you in this case.

The program encourages the voluntary early resolution of disputes through mediation. Mediation is an informal non-binding alternative dispute resolution process in which a trained mediator facilitates discussions and negotiations among the parties to help them resolve their dispute. The mediator is impartial and has no authority to render a decision or impose a resolution on the parties. During the course of the mediation, the mediator may meet with the parties together and separately to discuss the dispute, to explore the parties' interests, and to stimulate ideas for resolution of the dispute.

A list of mediators approved by the court and information regarding their qualifications is kept by the Circuit Clerk's Office. If all parties to the suit agree to mediation, within ten days after they have filed the Consent to Mediation Form on the reverse side of this page with the Clerk of the Court, they shall jointly select from that list a mediator who is willing and available to serve. If the parties cannot agree upon the mediator to be selected, the Court will make the selection.

The full text of the Circuit Court's local court rules, including Rule 38 Alternative Dispute Resolution, is available from the Clerk of the Circuit Court or at:
http://www.courts.mo.gov/hosted/circuit11/Documents/LOCAL_COURT_RULES.pdf

A copy of this Notice is to be provided by the Clerk of the Circuit Court to each of the parties initiating the suit at the time it is filed, and a copy is to be served on each other party in the suit with the summons and petition served on that party.

STATE OF MISSOURI)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

_____)
 Plaintiff(s),)
)
 vs.) Cause # _____
)
 _____)
 Defendant(s).)

CONSENT TO MEDIATION FORM

I, the undersigned counsel of record in this case, hereby certify that I have discussed the subject of mediation under the Court's Alternative Dispute Resolution Program with my client(s) in this case and that:

_____ We believe that mediation would be helpful in this case and consent to the referral of the case to mediation upon the filing of similar consents by all other parties in the case.

_____ We do not consent to the referral of this case to mediation.

Signature

(Print Name)

Attorney for:

(Party or Parties)

Date: _____

IN THE CIRCUIT COURT OF SAINT CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

JAMES STEWARD

Plaintiff,

v.

COMMERCE BANK

Defendant.

)

)

)

) Cause No.

)

) Division

)

) **JURY TRIAL DEMANDED**

REQUEST FOR APPOINTMENT OF PROCESS SERVER

COMES NOW, undersigned counsel, pursuant to Local Rules, and at his own risk requests the appointment of the Circuit Clerk of:

**MICHAEL SIEGEL
KANSAS CITY PROCESS SERVICE
P.O. BOX 717
SMITHVILLE, MO 64089
816-217-3329**

Natural persons of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE AT:

1000 WALNUT STREET
KANSAS CITY, MO 64106

All Risks to Plaintiff
So Appointed:

Date: ALL RISKS TO PLAINTIFF
SO APPOINTED:

By: /S/ JUDY ZERR 2:16 pm, Dec 12, 2016

Pontello Law, LLC

/s/ Dominic M. Pontello

Dominic M. Pontello, #60947

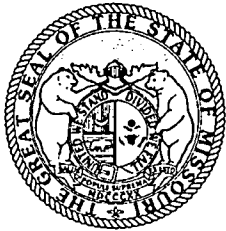
Attorney for Plaintiff

5988 Mid Rivers Mall Dr., Suite 114

St. Charles, MO 63304

(636) 541-7673

(636) 441-6881 facsimile



IN THE ELEVENTH JUDICIAL CIRCUIT
SAINT CHARLES COUNTY, MISSOURI
ASSOCIATE CIVIL DIVISION

FILED

JAN 24 2017

JUDY ZERR
CIRCUIT CLERK
ST CHARLES COUNTY

JAMES STEWARD
PLAINTIFF

VS

CAUSE NO. 1611-AC 07161

COMMERCIAL BANK
DEFENDANT

DIVISION: 12T

MEMORANDUM/ORDER

COMES NOW _____ AND ENTERS THEIR APPEARANCE
AS ATTORNEY FOR _____.

CASE CONTINUED TO 3/21/2017 AT 9:00 AM/PM.

BY
FOR

PLAINTIFF
TRIAL

DEFENDANT
CALL DOCKET

☐ CONSENT

☐ SETTING OR DISPOSITION

- ☐ COMES NOW THE (PLAINTIFF/DEFENDANT) AND REQUESTS A CHANGE OF JUDGE. MOTION IS (GRANTED/DENIED). IF MOTION IS GRANTED, THE CAUSE IS ASSIGNED TO DIVISION _____ AND SET FOR (TRIAL/ANNOUNCEMENT) ON _____.
- ☐ COMES NOW (PLAINTIFF/DEFENDANT) AND REQUESTS A TRIAL BY JURY.
- ☐ CASE DISMISSED **WITH/WITHOUT** PREJUDICE AT PLAINTIFFS COSTS.
- ☐ CASE CALLED. PARTIES FAIL TO APPEAR. CASE DISMISSED **WITH/WITHOUT** PREJUDICE **FOR FAILURE TO PROSECUTE/LACK OF SERVICE** AT PLAINTIFFS COSTS.
- ☐ OTHER: _____

[Signature] 66379
PLAINTIFF/PLAINTIFF'S ATTORNEY BAR #

ADDRESS, CITY STATE & ZIP

PHONE NUMBER

SO ORDERED:

JUDGE

BAR #

DEFENDANT/DEFENDANT'S ATTORNEY BAR #

ADDRESS, CITY STATE & ZIP

PHONE NUMBER

DATE: _____



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: NORMAN C STEIMEL III	Case Number: 1611-AC07161
Plaintiff/Petitioner: JAMES STEWARD	Plaintiff's/Petitioner's Attorney/Address: DOMINIC M PONTELLO PONTELLO LAW LLC 5988 MID RIVERS MALL DR SUITE 114 SAINT CHARLES, MO 63304 (636) 541-7673
Defendant/Respondent: COMMERCE BANK	Date, Time and Location of Court Appearance: 24-JAN-2017, 09:00 AM DIVISION 10 COURTROOM 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: AC Other Tort	

(Date File Stamp)

Associate Division Summons

The State of Missouri to: **COMMERCE BANK**
Alias:
1000 WALNUT
KANSAS CITY, MO 64106

COURT SEAL OF

ST. CHARLES COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

12/12/2016 /S/ Judy Zerr
Date Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☒ other **SUMMMONS WITHDRAWN**

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____
Date Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ _____

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT
SAINT CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

JAMES STEWARD,)
)
Plaintiff,)
) Cause No. 1611-AC07161
v.)
) Division 12
COMMERCE BANK)

REQUEST FOR ALIAS SUMMONS

COMES NOW, undersigned counsel, pursuant to Local Rules, and hereby requests that an alias summons be issued by the circuit clerk in this case, because the first summons expired before service. I am requesting an alias summons be issued for the following defendant:

(1) COMMERCE BANK.

Respectfully submitted by,

PONTELLO & BRESSLER

Date: 3/21/2017

/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Attorney for Plaintiff
406 Boones Lick Rd
St. Charles, Missouri 63301
(636) 896-4170
(636) 246-0141 facsimile
dominic@pontellolaw.com

IN THE CIRCUIT COURT OF SAINT CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

JAMES STEWARD

Plaintiff,

v.

COMMERCE BANK

Defendant.

)

)

)

) Cause No.

)

) Division

)

) **JURY TRIAL DEMANDED**

REQUEST FOR APPOINTMENT OF PROCESS SERVER

COMES NOW, undersigned counsel, pursuant to Local Rules, and at his own risk
requests the appointment of the Circuit Clerk of:

**MICHAEL SIEGEL
KANSAS CITY PROCESS SERVICE
P.O. BOX 717
SMITHVILLE, MO 64089
816-217-3329**

Natural persons of lawful age to serve the summons and petition in this cause on the
below named parties. This appointment as special process server does not include the
authorization to carry a concealed weapon in the performance thereof.

SERVE AT:
1000 WALNUT STREET
KANSAS CITY, MO 64106

All Risks to Plaintiff
So Appointed:

Date: _____

By: _____

PONTELLO & BRESSLER

/s/ Dominic M. Pontello

Dominic M. Pontello, #60947

Attorney for Plaintiff

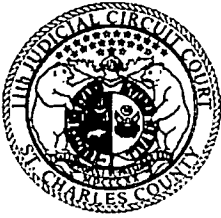
406 Boones Lick Rd

St. Charles, MO 63301

(636) 896-4170

(636) 246-0141 facsimile

1 IN 23



IN THE ELEVENTH JUDICIAL CIRCUIT
SAINT CHARLES COUNTY, MISSOURI
ASSOCIATE CIVIL DIVISION

FILED

MAR 21 2017

JUDY ZERR
CIRCUIT CLERK
ST CHARLES COUNTY

PLAINTIFF

VS

CAUSE NO. 1611-AC07161

DEFENDANT

DIVISION: 124

MEMORANDUM/ORDER

☐ COMES NOW _____ AND ENTERS THEIR APPEARANCE
AS ATTORNEY FOR _____.

☒ CASE CONTINUED TO 5/2/2017 AT 9:00 AM/PM.

BY ☒ PLAINTIFF ☐ DEFENDANT ☐ CONSENT
FOR ☐ TRIAL ☒ CALL DOCKET ☐ SETTING OR DISPOSITION

☐ COMES NOW THE (PLAINTIFF/DEFENDANT) AND REQUESTS A CHANGE OF JUDGE.
MOTION IS (GRANTED/DENIED). IF MOTION IS GRANTED, THE CAUSE IS ASSIGNED TO
DIVISION _____ AND SET FOR (TRIAL/ANNOUNCEMENT) ON _____.

☐ COMES NOW (PLAINTIFF/DEFENDANT) AND REQUESTS A TRIAL BY JURY.

☐ CASE DISMISSED WITH/WITHOUT PREJUDICE AT PLAINTIFFS COSTS.

☐ CASE CALLED. PARTIES FAIL TO APPEAR. CASE DISMISSED WITH/WITHOUT
PREJUDICE FOR FAILURE TO PROSECUTE/LACK OF SERVICE AT PLAINTIFFS COSTS.

☒ OTHER: ALIAS Summons Request

PLAINTIFF/PLAINTIFF'S ATTORNEY BAR # 66379

DEFENDANT/DEFENDANT'S ATTORNEY BAR #

ADDRESS, CITY STATE & ZIP

ADDRESS, CITY STATE & ZIP

PHONE NUMBER

PHONE NUMBER

SO ORDERED:

JUDGE

BAR #

DATE:



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: MATTHEW E P THORNHILL	Case Number: 1611-AC07161
Plaintiff/Petitioner: JAMES STEWARD	Plaintiff/Petitioner's Attorney/Address: DOMINIC M PONTELLO PONTELLO & BRESSLER 406 BOONES LICK RD SAINT CHARLES, MO 63301 (636) 896-4170
Defendant/Respondent: COMMERCE BANK	Date, Time and Location of Court Appearance: 02-MAY-2017, 09:00 AM DIVISION 12 COURTROOM 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: AC Other Tort	

(Date File Stamp)

Associate Division Alias Summons

The State of Missouri to: **COMMERCE BANK**
Alias:

1000 WALNUT ST
KANSAS CITY, MO 64106

COURT SEAL OF



ST. CHARLES COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

3/22/2017

Date

/S/ Judy Zerr

Circuit Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- ☐ other _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

(Seal)

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

STATE OF MISSOURI)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Pursuant to Missouri Supreme Court Rule 17, the Circuit Court of St. Charles County, Missouri (Eleventh Judicial Circuit) has adopted a local rule to encourage voluntary alternative dispute resolution. The purpose of the rule and the program it establishes is to foster timely, economical, fair and voluntary settlements of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial.

This program applies to all civil actions other than cases in the small claims, probate and family court divisions of the Circuit Court, and you are hereby notified that it is available to you in this case.

The program encourages the voluntary early resolution of disputes through mediation. Mediation is an informal non-binding alternative dispute resolution process in which a trained mediator facilitates discussions and negotiations among the parties to help them resolve their dispute. The mediator is impartial and has no authority to render a decision or impose a resolution on the parties. During the course of the mediation, the mediator may meet with the parties together and separately to discuss the dispute, to explore the parties' interests, and to stimulate ideas for resolution of the dispute.

A list of mediators approved by the court and information regarding their qualifications is kept by the Circuit Clerk's Office. If all parties to the suit agree to mediation, within ten days after they have filed the Consent to Mediation Form on the reverse side of this page with the Clerk of the Court, they shall jointly select from that list a mediator who is willing and available to serve. If the parties cannot agree upon the mediator to be selected, the Court will make the selection.

The full text of the Circuit Court's local court rules, including Rule 38 Alternative Dispute Resolution, is available from the Clerk of the Circuit Court or at:
http://www.courts.mo.gov/hosted/circuit11/Documents/LOCAL_COURT_RULES.pdf

A copy of this Notice is to be provided by the Clerk of the Circuit Court to each of the parties initiating the suit at the time it is filed, and a copy is to be served on each other party in the suit with the summons and petition served on that party.

STATE OF MISSOURI)
) ss.
ST. CHARLES COUNTY, MISSOURI)

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

_____)
 Plaintiff(s),)
)
 vs.) Cause # _____)
)
 _____)
 Defendant(s).)

CONSENT TO MEDIATION FORM

I, the undersigned counsel of record in this case, hereby certify that I have discussed the subject of mediation under the Court's Alternative Dispute Resolution Program with my client(s) in this case and that:

_____ We believe that mediation would be helpful in this case and consent to the referral of the case to mediation upon the filing of similar consents by all other parties in the case.

_____ We do not consent to the referral of this case to mediation.

Signature

(Print Name)

Attorney for:

(Party or Parties)

Date: _____

IN THE CIRCUIT COURT OF SAINT CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

JAMES STEWARD)
)
Plaintiff,)
v.) Cause No.
)
COMMERCE BANK) Division
)
Defendant.) JURY TRIAL DEMANDED

REQUEST FOR APPOINTMENT OF PROCESS SERVER

COMES NOW, undersigned counsel, pursuant to Local Rules, and at his own risk requests the appointment of the Circuit Clerk of:

**MICHAEL SIEGEL
KANSAS CITY PROCESS SERVICE
P.O. BOX 717
SMITHVILLE, MO 64089
816-217-3329**

Natural persons of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE AT:
1000 WALNUT STREET
KANSAS CITY, MO 64106

All Risks to Plaintiff
So Appointed:

Date: ALL RISKS TO PLAINTIFF
SO APPOINTED:

By: /S/ JUDY ZERR 12:47 pm, Mar 22, 2017

PONTELLO & BRESSLER

/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Attorney for Plaintiff
406 Boones Lick Rd
St. Charles, MO 63301
(636) 896-4170
(636) 246-0141 facsimile



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: MATTHEW E P THORNHILL	Case Number: 1611-AC07161
Plaintiff/Petitioner: JAMES STEWARD	Plaintiff/Petitioner's Attorney/Address: DOMINIC M PONTELLO PONTELLO & BRESSLER 406 BOONES LICK RD SAINT CHARLES, MO 63301 (636) 896-4170
Defendant/Respondent: COMMERCE BANK	Date, Time and Location of Court Appearance: 02-MAY-2017, 09:00 AM DIVISION 12 COURTROOM 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: AC Other Tort	

(Date File Stamp)

Associate Division Alias Summons

The State of Missouri to: - COMMERCE BANK

Alias:

1000 WALNUT ST
KANSAS CITY, MO 64106

COURT SEAL OF



ST. CHARLES COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

3/22/2017

Date

Further Information:

/s/ Judy Zerr

Circuit Clerk

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with☐ a person of the Defendant's/Respondent's family over the age of 15 years.☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

Sam Holm

(name)

Operations Manager

(title)

☐ other

White Female, 60, 5' 10"

Black hair

Served at 911 Main St Kansas City MO 64106

(address)

in Jackson

(County/City of St. Louis), MO, on

3-31-17

(date) at

10:50 AM

(time)

Michael Siegel

Michael Siegel

Name of Sheriff or Server

Signature of Sheriff or Server

Notary Public - Notary Seal

Must be sworn before a notary public if not served by an authorized officer:

State of Missouri

Subscribed and sworn to before me on

4-3-17

(date)

Commission for Clay County

My commission expires: 2-14-19

Date

Notary Public

My Commission Expires: February 14, 2019

Commission Number: 14004675

Sheriff's Fees

Summons

\$

Non Est

\$

Sheriff's Deputy Salary

\$

Supplemental Surcharge

\$ 10.00

Mileage

\$

(miles @ \$. per mile)

Total

\$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.